Miles College
Student Disciplinary Action
And
Student Code of Conduct

MILES COLLEGE
AN ACADEMY FOR THE 21ST CENTURY

Revised February 5, 2015
The Student Code of Conduct
Rules and Regulations

This code of conduct recognizes that Miles College aims to encourage students to be responsible citizens who help shape the global society.

Miles College places marked emphasis on proper conduct, social graces, orderly behavior, good manners, grooming, and concern for the individual and functions to provide teaching, learning, and social interchange in a healthy environment. Accordingly, certain rules and regulations must exist and be enforced. Such rules and regulations have been standardized into a **STUDENT CODE OF CONDUCT**.

The Student Code of Conduct applies to all students enrolled at Miles College. Miles College is a community like any other which has certain standards of behavior. Students, faculty, and staff are expected to conduct themselves in a manner that supports the educational goals and mission of the College. All individuals must abide by the law and college policies. Students who do not abide by the College guidelines and Student Code of Conduct are subject to discipline. Violations of the Student Code of Conduct are processed through the Office of Student Affairs. The administration of student discipline is recognized as a vital part of the educational process. The College must exercise its rules within the fair and proper established procedures of due process.

**Definitions**

The following definitions and explanations apply to terms used in the Miles College Student Code of Conduct:

“**College**” means Miles College.

“**Student**” includes all persons taking courses at the College, both full-time and part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered “students.”

“**College official**” includes any person employed by the College, performing assigned administrative or professional responsibilities.

“**College premises or College property**” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).

“**Community**” includes any person who is a student, faculty member, college official, or other college employee. A person’s status in a particular situation shall be determined by the College.

“**College-sponsored activity**” means any activity on or off campus that is initiated, aided, authorized, or supervised by the College.
“**Expulsion**” means permanent severance of the student’s relationship with the College. Request for readmission and/or review of the case at a future date may be done only through written communication to the President of the College.

“**Suspension**” means temporary severance of the student’s relationship with the College for a specific period of time, though not less than one semester. A student expelled or suspended shall leave the campus and not visit the campus during the period of expulsion or suspension, except when on official school business. To violate this stipulation would affect adversely the student’s chance for readmission. During the suspension, the student shall not: (1) attend classes, or (2) participate in any College authorized activities. This status of suspension shall be reflected on the transcript only for the duration of the suspension, and will be removed by the Dean of Chapel and Vice President, Student Life and Engagement, when the student regains eligibility to re-enter the College. A record of the disciplinary suspension remains a part of the student’s confidential record concerning individual suspension and shall indicate: (1) the date at which the suspension begins, and (2) the earliest date at which application may be accepted for readmission. The student must submit a written request to the College requesting readmission.

“**Probation**” means subjection of any individual to a period of testing and trial. Notice is given to the student that any further disciplinary violation may result in suspension or expulsion. Disciplinary probation may also include any or all of the following: the setting of restrictions or fines; the issuance of a reprimand; or a requirement of public work. A student on disciplinary probation will not be permitted to hold an elected or appointed office or to participate in or attend any contest, performance, or other extracurricular activity, on or off campus, that is sponsored by the College or with which the College is involved. This penalty is for a definite period of time determined by the circumstances of the case and is the most severe penalty under which a student may remain in the College. A record of the disciplinary probation remains a part of the student’s confidential record in the Office of Student Affairs.

### Inappropriate Conduct

Inappropriate conduct by students at Miles College is discouraged and will not be tolerated. If a student engages in conduct that violates one or more provisions of the Student Code of Conduct, he or she will be subject to disciplinary action.

**Such action normally includes:**

1. Determination by the Dean of Chapel and Vice President, Student Life and Engagement to impose or recommend corrective measures, such as probation, suspension, or expulsion

2. the right to appeal to the Judicial Council in cases of suspensions.

3. a right to appeal to the President, who has the final responsibility of all disciplinary decisions under the Constitution and By-laws of the College (Article II, Section IV) to review the recommendation of the Judicial Council to the Dean of Chapel and Vice President, Student Life and Engagement
Should a student be charged with a criminal offense, the nature of which may present a clear and present likelihood of serious physical or mental harm to the student or to any other member of the College community, the College may impose such temporary sanction on the student, including suspension, as may be deemed necessary to protect the student, college community, and/or property from such danger. Such temporary sanction may exist and be enforced only until such time as final disposition has been made of the case, including a review of an appeal, if applicable by the Judicial Council.

Further, the College shall have the power to impose such temporary sanctions (interim sanctions), including suspension, pending a hearing, when the student or group of students engages in conduct that materially and substantially interferes with the requirements of appropriate discipline in the operation of the College.

**Zero Tolerance Statement**

Miles College has zero tolerance for the following offenses:
- Aggravated assault
- Arson
- Battery
- Bullying
- Burglary
- Drug law violations
- Forcible sex offenses
- Illegal weapons possession
- Murder and Non-negligent manslaughter
- Manslaughter by negligence
- Motor vehicle theft
- Robbery
- Simple assault

Miles College will not tolerate these acts on campus, off campus, or at a College sponsored function away from the campus.

*Students found in violation of any of the above listed offenses will be immediately Suspended or EXPELLED from Miles College without judicial council with notation on his or her permanent transcript.*

**Sanctions**

Experience suggests that most inappropriate behavior will involve violations of more than one section of the Student Code and, as such, may yield sanctions beyond those minimums spelled out in this code.

The following list of sanctions is illustrative rather than exhaustive. *Dean of Chapel and Vice President, Student Life and Engagement and the President of the College reserve the right to create other sanctions as it deems appropriate:*
• Expulsion from the College with permanent notation on transcript of disciplinary action.

• Suspension from the College with permanent transcript notation.

• Loss of eligibility for college funded scholarships or funds, including part-time work.

• Cancellation of residence hall contract.

• Probation—repeat violation of same code section or violation of any other code section while on probation could lead to the sanctions listed below.

• Loss of membership on teams, clubs, and officially recognized organizations.

• Community service/uncompensated labor.

• Loss of institutional titles such as Miss Miles College or SGA President

• Restitution.

• Loss of guest privileges on campus or residence halls.

• Letter of censure or reprimand.

• Requirement of a letter of apology.

• Requirement of counseling, education, or chapel attendance


Student Violations

Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community. Any student found to have committed the following misconduct is subject to any of the above listed disciplinary sanctions as deemed appropriate by the Dean of Chapel and Vice President, Student Life and Engagement:

1. Acts of dishonesty, including but not limited to the following:
   a. Cheating, plagiarism, or other forms of academic dishonesty.
   b. Furnishing false information to any College official, faculty member or office.
   c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
   d. Tampering with the election of leaders of any College recognized student organization.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public-service functions on or off campus, or other authorized non-College activities, when the act occurs on College premises.

3. Physical abuse, verbal abuse, threats, stalking, intimidation, harassment, coercion or other conduct which threatens or endangers the health or safety of any person.

4. Physical assault and sexual assault, the latter including all criminal sexual conduct as defined by the laws of the State of Alabama.

5. Attempted or actual theft of, or damage to, property of College property of a member of the College community or other personal or public property.

6. Hazing, defined by Alabama law as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence by another student in the presence of hazing is not neutral acts; they are also violations of this rule.

7. Insubordination or failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

8. Unauthorized possession, duplication or use of keys or other access devices to any College premises or unauthorized entry to or use of College premises.

9. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the college website including but not limited to the Safety Drill Procedures, Dress Code, Fraternity/Sorority Intake Guidelines, Residence Hall Agreement, etc.

10. Violation of federal, state or local law that threatens the safety and well-being of the campus community.

11. Unlawful use, possession, purchase, distribution, sale or manufacture of a controlled substance, designer drug, or drug paraphernalia on campus.

12. Unlawful use, possession or distribution of alcoholic beverages on campus including public intoxication on campus or at college sponsored activities.

13. Possession of weapons on campus. Weapons includes, but is not limited to firearms, ammunition, explosives, switchblades, paint-ball guns, “Air-soft” guns, BB guns, potato launchers, slingshots and similar devices.

14. Participation in a campus demonstration which disrupts the normal operations of the institution and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
15. Profane, threatening, harassing, or obscene expressions including, but not limited to speech, which violate accepted standards of decency and appropriate conduct. The college prohibits any verbal and written form of harassment, defamation of character or slanderous statements, including electronic contact (Facebook, Myspace, Twitter or any other form of social media, text or email.) This violation will be taken seriously by the College.

16. Sexual misconduct including, but not limited to, illegal visitation, public lewdness, indecent exposure.

17. Theft or other abuse of computer time including, but not limited to:
   
   a. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
   
   b. Unauthorized transfer of a file.
   
   c. Unauthorized use of another individual’s identification and password.
   
   d. Use of computing facilities to interfere with the work of another student, faculty member or College Official.
   
   e. Use of computing facilities to send obscene or abusive messages.
   
   f. Use of computing facilities to interfere with normal operation of Dean of Chapel and Vice President, Student Life and Engagement computing system.
   
   g. Use of computing facilities and resources in violation of copyright laws.

18. Gambling.

19. Abuse of the disciplinary action system, including but not limited to:
   
   a. Failure to obey the notice of the Dean of Chapel and Vice President, Student Life and Engagement, and Chapel, Judicial Council, or other College official to appear for a meeting or a hearing.
   
   b. Falsification, distortion, or misrepresentation of information during a disciplinary or appellate review.
   
   c. Disruption or interference with the orderly conduct of a disciplinary review proceeding.
   
   d. Attempt to influence the impartiality of a member of the Judicial Council prior to, or during the course of, the appellate review.
   
   e. Harassment (verbal or physical) or intimidation of a member of the Judicial Council prior to, during, or after an appellate review.
   
   f. Failure to comply with the sanction(s) imposed under the Student Code.
The Code of Conduct and the Law

Miles College maintains a cooperating relationship with law enforcement agencies. The College will not be a sanctuary against civil or criminal prosecution of one of its students, but neither will it be party to a violation of any legal rights of due process which a student has as a citizen. The investigating activity of Dean of Chapel and Vice President, Student Life and Engagement is limited to the campus, except to disprove or substantiate specific complaints against students and then not without informing the students concerned. Evidence of criminal activity by students may be turned over to the police or public prosecutor, but privileged or confidential information will not be according to the provisions of the Family Educational Rights and Privacy Act of 1974. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

Miles College does not provide bail or legal counsel to students. When a student is charged by federal, state, or local authorities with a violation of law, The College will not request or agree to special consideration for that individual because of his or her status as a student. Disciplinary action under the Miles College Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for misconduct which demonstrates flagrant disregard for the college community or which threatens the safety and well-being of the campus community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., "no contest" or "nolo contendere").

Procedures for Administration of Disciplinary Action

Complaint: All acts of misconduct on the part of students shall be reported in writing to the, Dean of Chapel and Vice President, Student Life and Engagement, who is designated the principal administrator to enforce college disciplinary measure as they pertain to student misconduct. Each complaint shall contain a statement or facts outlining each alleged act of misconduct, each regulation which the student is alleged to have violated.

Investigation or Review: Dean of Chapel and Vice President, Student Life and Engagement shall cause to be reviewed or investigated alleged acts of student misconduct reported to him or
her. He or she may appoint a staff member(s) to conduct an inquiry into alleged misconduct act(s), and the appointed member(s) shall recommend to the Dean of Chapel and Vice President, Student Life and Engagement what further action is indicated. Dean of Chapel and Vice President, Student Life and Engagement may dismiss the allegation. Dean of Chapel and Vice President, Student Life and Engagement may host an informal hearing and summon the student(s) to appear before imposing disciplinary action. After a decision is made, Dean of Chapel and Vice President, Student Life and Engagement shall notify the accused student(s) in writing.

**Notification:** When written notification is made by the Dean of Chapel and Vice President, Student Life and Engagement to the student(s) for alleged violation of misconduct, it shall contain a statement of the nature of the alleged or suspected misconduct, and state the section(s) of the conduct code the student(s) is/are alleged to have violated. Rights and procedures for appeal are explained.

**Student Reply:** Any student(s) accused of an act of misconduct that result in suspension is encouraged to notify his/her parents or guardian of the charges. Parents or guardian will be granted, if requested in writing, a conference with the Dean of Chapel and Vice President, Student Life and Engagement prior to a hearing of the Judicial Council. The student(s) must admit or deny the alleged violations in writing. Cases of misconduct that result in suspension must be appealed by the following:

1. The student(s) must submit in writing a request to review the case with the name, address, telephone number(s) and student identification number on the top of the letter.
2. The student must state the date of the disciplinary action and by whom he or she was disciplined in the letter.
3. The student must state the nature and charges of the disciplinary action in the letter and the circumstances which merit review.
4. The letter requesting a review must be signed and dated.
5. The written request for review must be made within five (5) class days from the date on which the disciplinary action was taken against the student. In the event the disciplinary action was taken within five days of the end of the semester, the student(s) has until the last day of that semester to submit the request.

*The student(s) waive/forfeit a hearing of the Judicial Council by failure to respond according to the procedure listed above.*

**Dean of Chapel and Vice President, Student Life and Engagement:** Upon receipt of the written letter requesting a review of the case that involves the recommendation of suspension, the imposition of any penalty is suspended until the appeal is finally decided. Dean of Chapel and Vice President, Student Life and Engagement notifies the Chairman of the Judicial Council that a student(s) has requested a review of his or her case. The following will then occur:

1. The date, place and time for the committee review will be set
2. The student will be notified in writing within seven (7) class days after receipt of the student’s request for a review of the meeting of the Judicial Council.
3. During the time after the submission of a letter of appeal, the student is responsible for preparing an adequate defense for his/her upcoming review of the Judicial Council.
4. The Judicial Council shall meet within five (5) class days after the student has been notified of the review.

5. The student who fails, without just cause, to appear in person for his appeal as notified forfeits his right to appeal.

**Interim Action:** If necessary, interim action may be taken while a student(s) is awaiting a review of his or her case. The President or any member of the administrative cabinet may take immediate interim disciplinary action when in the opinion of such official, the interest and safety of Dean of Chapel and Vice President, Student Life and Engagement would best be served by such action. This interim action must be documented and can include suspension of the rights of the student(s) to be on campus and to attend classes.

**The Miles College Judicial Council**

The Miles College Judicial Council is composed of four students (members of the Judicial Branch of the Student Government Association) and five faculty and staff members including one faculty or staff member who serves as the chairman. The Dean of Chapel and Vice President, Student Life and Engagement shall be an ex-officio member of the council.

The four student members of the Judicial Council are appointed by the Dean of Student Affairs and consist of one Senate member from each class and headed by the member from the Senior Class.

The faculty and staff members of the Judicial Council are appointed equally by the Dean of Student Affairs and/or the Dean of Chapel and Vice President, Student Life and Engagement. The Chairman must be approved by the President.

The right of grievant to appeal grievance decisions to higher levels of decision making authority is one of the basic components of an equitable grievance procedure. It assures that all grievance decisions (except those made at the final level of appeal) are subject to review and modification, and thus protects grievant from bias which may occur in any single grievance decision.

Legal representation or family members are NOT allowed in the Judicial Council Review Meeting.

The Council will hear cases brought to its attention by the Dean of Student Life, Engagement, and Chapel. The Council has no jurisdiction over cases decided by the President of the College, nor shall it be interpreted to exclude an encroachment upon any authority or any Office of the Miles College Administration.

The Chairperson shall vote in cases where the Committee has a tie, and all votes shall be made by secret ballot.
Hearing Procedures

- The Judicial Council or Dean of Chapel and Vice President, Student Life and Engagement may request, but not demand, that an accused student submit briefs or other documentation to the Judicial Council before a hearing; either party may file a brief voluntarily.
- Live character testimony is not permitted, although a charged student may submit written character references to the Judicial Council before the hearing.
- The student may present names of witnesses, affidavits or any documents desired prior to the hearing to insure adequacy for the presentation of his or her defense.
- If the student(s) fails to appear when the case is called for a hearing, without just cause he or she forfeits his right to appeal. The hearing may proceed in the student’s absence if he/she failed to respond.
- Any member of the hearing body shall disqualify himself if the personal involvement in the hearing is of such a nature as to prejudice the case.
- Hearing body deliberations are closed to all but the hearing body members.
- Members of the Miles College Campus Police may be requested to be present at hearings when the case warrants it. ONLY members of the Judicial Council and the student under review are allowed in the hearing.
- The student has the right to remain silent with no inference of guilt drawn there from. The student cannot be compelled to speak against him/herself.
- The names of all witnesses shall be made known to the student during the hearing.
- The student shall be entitled to inspect any affidavits or other evidence used against him/her during the hearing.
- The hearing body shall make a tape recording and/or maintain minutes of the proceedings. Tapes are not to be removed from the Office of Student Affairs.
- Minutes of the proceedings will be maintained in the Office of Student Affairs.
- The hearing body shall provide recommendations for appropriate disciplinary actions to the, Dean of Chapel and Vice President, Student Life and Engagement
- The Dean of Chapel and Vice President, Student Life and Engagement will review the case and recommendations and implement disciplinary action based on the decision of the Judicial Council.
- The decision reached at the hearing shall be communicated in writing to the student.
- The decision of the Judicial Council shall be filed after the completion of a hearing.
- All records of the case will be confidential.
- The recommendation of the Judicial Council in cases of student discipline and the disciplinary action imposed by the Dean of Chapel and Vice President, Student Life and Engagement as a result of the review by the Judicial Council is final. The decision of the President is final.
- In cases of suspension or expulsion, the Dean of Chapel and Vice President, Student Life and Engagement will notify the Registrar, Financial Aid, Security, and Housing.
• The final responsibility for all disciplinary decisions is vested in the President of the College under the Constitution and By-laws of the Dean of Chapel and Vice President, Student Life and Engagement (Article II, Section IV).

**Judicial Council Hearing Meeting**

1. All members MUST sign in stating their presence on the date of the hearing.
2. ONLY members of the Judicial Council may attend the hearing. Campus Police/Security may be present at the request of the Judicial Council if the case warrants it.
3. The council members determine who will take minutes of the proceedings.
4. If a tape recorder is being used, all members are made aware that the proceedings are being recorded.
5. Presentation of Evidence
   After the presentation of evidence, the accused and complainant (if summoned), and any other “witnesses” (if summoned) are dismissed and the Judicial Council discusses the case.
6. The Council votes by secret ballot.
7. Once the decision is made, the accused is returned to the room to receive the recommendation of the Judicial Council.
8. All notes and documentation from the hearing meeting must be filed. (Information can also be scanned and filed electronically.)
9. **The decision of the Judicial Council is final and there is no further appeal.**